UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,790	08/20/2003	Thomas Poslinski	SONY-50T5519.01	8031

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EXAMINER
HUERTA, ALEXANDER Q

ART UNIT	PAPER NUMBER
2427	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/645,790	POSLINSKI, THOMAS
	Examiner	Art Unit	
	Alexander Q. Huerta	2427	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 March 2009*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *24-46* is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *24-46* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *19 July 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some *   c)☐ None of:

         1.☐ Certified copies of the priority documents have been received.

         2.☐ Certified copies of the priority documents have been received in Application No. _____.

         3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
     Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 03 March 2009 has been entered.

Response to Arguments

Applicant's arguments with respect to independent claims 24, 34, and 39 have been considered but are moot in view of the new ground(s) of rejection.

On page 11 of the Applicant's Response, applicant argues that Rodriguez fails to teach or suggest the claimed limitations of "simultaneously caching content data using the caching device from the first set of channels and the second set of channels."

In response to applicant's arguments, the Examiner disagrees because Rodriguez teaches that channels are simultaneously tuned and stored in temporary cache before being transferred to storage device 373 ([0049], [0081]-[0082], [0099], [0130]-[0133], Figs. 3A, 6). Therefore, Rodriguez meets the limitation of "simultaneously caching content data using the caching device from the first set of channels and the second set of channels."

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 24-28, 30-38 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Rodriguez et al. (US Pat. Pub. **2002/0168178**) in view of Marsh (US Pat. Pub.

2004/0001081), and in further view of Potrebic et al. (US Pat. Pub. **2005/0073613**),

herein referenced Rodriguez, Marsh, and Potrebic, respectively.

Regarding **claim 24**, Rodriguez discloses "a method for simultaneously caching

content data via multiple channels in an electronic device, comprising: in response to a

user specifically selecting a first channel to watch, allocating the first channel to a tuner;

([0049], [0085], [0130]-[0133], Figs. 3A, 4);

"accessing prioritization data specifying ... a list of favorite channels associated

with the electronic device;... selecting a plurality of favorite channels from the list of

favorite channels based on the prioritization data and a number of spare tuners; ...

assigning the plurality of favorite channels to the number of spare tuners ([0096]-[0097],

[0107]-[0118], [0137], Figs. 12A-C, i.e. Rodriguez teaches that the favorite channel list

and available tuners may be used as input for the controlling rules to make decisions as

to the priority of buffering and tuning resources); simultaneously caching in a memory

content data from the first channel and from the plurality of favorite channels" ([0049],

[0081]-[0082], [0099], [0130]-[0133], Figs. 3A, 6, i.e. channels are simultaneously tuned

and stored in temporary cache before being transferred to storage device 373).

Rodriguez fails to explicitly the prioritization of a favorite channel list and

automatically selecting and automatically assigning a plurality of favorite channels.

Marsh discloses the prioritization of the favorite channel list ([0160], i.e. the

favorite channel list is ranked with the best favorite on top, then second best, and so

on). Thus, it would have been obvious to one of ordinary skill in the art to apply the

technique of prioritization of a favorite channel list as taught by Marsh, to improve the

channel buffering and display management system of Rodriguez for the predictable

result of enabling the user additionally sort and order their favorite channel list based on

a priority ranking.

However, the combination of Rodriguez and Marsh still fail to explicitly disclose

automatically selecting and automatically assigning channels to spare tuners

Potrebic discloses automatically selecting and automatically assigning channels

to spare tuners ([0006]-[0007], Figs. 5-6, i.e. a spare tuner is automatically assigned to

tune the new channel). Thus, it would have been obvious to one of ordinary skill in the

art to apply the technique of automatically selecting and automatically assigning

channels to spare tuners as taught by Potrebic, to improve the channel buffering and

display management system of Rodriguez for the predictable result of providing the user

the convenience automatically selecting and viewing channels versus having to

manually input which channels will be tuned by the tuner.

Regarding **claim 25**, Rodriguez discloses that "the electronic device comprises a set top box" ([0004], Figs. 1A&B, 3A).

Regarding **claim 26**, Rodriguez discloses that the content data comprises video data and audio data" ([0026], [0032], Fig. 1A&B).

Regarding **claim 27**, Rodriguez discloses that "a number of the plurality of favorite channels equals the number of spare tuners" ([0107]-[0118], [0130]-[0133], [0137], i.e. Rodriguez teaches that a favorite channel list may be used to establish a prioritization to allocate a tuner to a favorite channel).

Regarding **claim 28**, Rodriguez discloses "displaying the content data from the first channel on a screen coupled to the electronic device" ([0097], [0130], Figs. 3A, 12A, St. 1201).

Regarding **claim 30**, Rodriguez discloses "receiving a command signal for switching from the first channel to a channel of the list of favorite channels which is not currently assigned to a tuner; and de-allocating from the memory content data from the first channel if the first channel is not in the list of favorite channels" ([0107]-[0118], [0130]-[0133], [0137], i.e. Rodriguez teaches that a favorite channel list may be used to establish a prioritization. For instance, the system may de-allocate a tuner in order to tune a channel that has precedence such as a favorite channel).

Regarding **claim 31**, Rodriguez discloses "receiving a command signal for switching from the first channel to another channel, wherein the first channel is in the list of favorite channels; and maintaining content data from the first channel in the memory" ([0107]-[0118], [0130]-[0133], [0137]).

Regarding **claim 32**, Rodriguez discloses "in response to a first tuner becoming a spare tuner, selecting a second channel … from the list of favorite channels that are not currently being cached; and allocating the second channel to the first tuner and caching content data for the second channel" ([0107]-[0118], [0130]-[0133], [0137]).

However, Rodriguez fails to explicitly disclose the prioritization of the favorite channel list.

Marsh discloses the prioritization of the favorite channel list ([0160], i.e. the favorite channel list is ranked with the best favorite on top, then second best, and so on).Thus, it would have been obvious to one of ordinary skill in the art to apply the technique of prioritization of a favorite channel list as taught by Marsh, to improve the channel buffering and display management system of Rodriguez for the predictable result of enabling the user additionally sort and order their favorite channel list based on a priority ranking.

Regarding **claim 33**, Rodriguez discloses receiving a request to cache content data for a second channel whose content data is not being cached; selecting a third channel … from the list of favorite channels that are currently being cached; de-allocating the third channel from its assigned tuner and allocating the assigned tuner to the second channel; and caching content data from the second channel" ([0107]-[0118], [0130]-[0133], [0137], Fig. 12A-C, i.e. Rodriguez teaches of allocating and prioritizing tuners using controlling rules that give precedence to favorite channels. For instance, when tuning to a new channel, the system checks whether or not the new channel have

precedence over the currently tuned channels, and if so then the system will de-allocate

a tuner to tune the new channel).

However, Rodriguez fails to explicitly disclose the prioritization of the favorite

channel list.

Marsh discloses the prioritization of the favorite channel list ([0160], i.e. the

favorite channel list is ranked with the best favorite on top, then second best, and so

on).Thus, it would have been obvious to one of ordinary skill in the art to apply the

technique of prioritization of a favorite channel list as taught by Marsh, to improve the

channel buffering and display management system of Rodriguez for the predictable

result of enabling the user additionally sort and order their favorite channel list based on

a priority ranking.

Regarding **claim 34**, Rodriguez discloses "an electronic device for

simultaneously caching content data via multiple channels, the electronic device

including a processor (Fig. 3A El. 344) and a memory (Fig. 3A El. 349) which comprises

a set of instructions, when executed by the processor, executes a method comprising:

in response to a user specifically selecting a first channel to watch, allocating the first

channel to a tuner" ([0049], [0085], [0130]-[0133], Figs. 3A, 4);

"accessing prioritization data specifying … a list of favorite channels associated

with the electronic device; … selecting a plurality of favorite channels from the list of

favorite channels based on the prioritization data and a number of spare tuners;

…assigning the plurality of favorite channels to the number of spare tuners ([0107]-

[0118], [0137], Figs. 12A-C, i.e. Rodriguez teaches that the favorite channel list and

available tuners may be used as input for the controlling rules to make decisions as to

the priority of buffering and tuning resources); and simultaneously caching in the

memory content data from the first channel and from the plurality of favorite channels"

([0049], [0081]-[0082], [0099], [0130]-[0133], Figs. 3A, 6, i.e. channels are

simultaneously tuned and stored in temporary cache before being transferred to storage

device 373).

Rodriguez fails to explicitly the prioritization of a favorite channel list and

automatically selecting and automatically assigning a plurality of favorite channels.

Marsh discloses the prioritization of the favorite channel list ([0160], i.e. the

favorite channel list is ranked with the best favorite on top, then second best, and so

on).Thus, it would have been obvious to one of ordinary skill in the art to apply the

technique of prioritization of a favorite channel list as taught by Marsh, to improve the

channel buffering and display management system of Rodriguez for the predictable

result of enabling the user additionally sort and order their favorite channel list based on

a priority ranking.

However, the combination of Rodriguez and Marsh still fail to explicitly disclose

automatically selecting and automatically assigning channels to spare tuners

Potrebic discloses automatically selecting and automatically assigning channels

to spare tuners ([0006]-[0007], Figs. 5-6, i.e. a spare tuner is automatically assigned to

tune the new channel). Thus, it would have been obvious to one of ordinary skill in the

art to apply the technique of automatically selecting and automatically assigning

channels to spare tuners as taught by Potrebic, to improve the channel buffering and

display management system of Rodriguez for the predictable result of providing the user

the convenience automatically selecting and viewing channels versus having to

manually input which channels will be tuned by the tuner.

Regarding **claims 35-38**, claims 35-38 are interpreted and thus rejected for the

reasons set forth above in the rejection of claims 30-33. Claims 30-33 describe a

method for simultaneously caching content data via multiple channels and claims 35-38

describes an electronic device for implementing the method. Thus, claims 35-38 are

rejected.

Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Rodriguez in view of Marsh, Potrebic, and in further view of Ahn et al. (US Pat. Pub.

2003/0030755) herein referenced as Ahn.

Regarding **claim 29**, Rodriguez fails to explicitly disclose "displaying content data

from the first channel on a screen coupled to the electronic device in a picture in picture

format"

Ahn discloses "displaying content data from the first channel on a screen coupled

to the electronic device in a picture in picture format" (*Abstract*, [0026], i.e. Ahn

discloses providing picture-in-picture using multiple tuners). Thus, it would have been

obvious to one of ordinary skill in the art to apply the technique of providing picture-in-

picture as taught by Ahn, to improve the channel buffering and display management

system of Rodriguez for the predictable result of enabling the user to simultaneously

watch and record two separate programs.

Claims 39, 42-44 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Rodriguez in view of Potrebic.

Regarding **claim 39**, Rodriguez discloses "an electronic device for

simultaneously caching content data via multiple channels, the electronic device

including a plurality of tuners (Fig. 3A El. 354, 358), a caching device coupled to the

plurality of tuners ([0081]-[0082], Fig. 3A, i.e. temporary cache), a processor (Fig. 3A El.

344), and a memory (Fig. 3A El. 349) which comprises a set of instructions, when

executed by the processor, executes a method comprising: selecting a first set of

channels in response to viewing requests; assigning a first set of tuners for the first set

of channels; …selecting a second set of channels based on a preconfigured list of

favorite channels and a number of spare tuners; …assigning the number of spare

tuners for the second set of channels ([0096]-[0097], [0107]-[0118], [0137], Figs. 12A-C,

i.e. Rodriguez teaches the prioritization of tuners using controlling rules to establish

precedence and also makes a determination if tuners are available to tune channels. A

favorite channels list may also be used as input for the controlling rules. For example,

when a channel change is made to a favorite channel, the system checks whether the

previous channel has priority and if it does not then the system will de-allocate the tuner

and assign it the favorite channel) and simultaneously caching content data using the

caching device from the first set of channels and the second set of channels" ([0049],

[0081]-[0082], [0099], [0130]-[0133], Figs. 3A, 6, i.e. channels are simultaneously tuned

and stored in temporary cache before being transferred to storage device 373).

Rodriguez fails to explicitly disclose automatically selecting and automatically

assigning channels to spare tuners

Potrebic discloses automatically selecting and automatically assigning channels

to spare tuners ([0006]-[0007], Figs. 5-6, i.e. a spare tuner is automatically assigned to

tune the new channel). Thus, it would have been obvious to one of ordinary skill in the

art to apply the technique of automatically selecting and automatically assigning

channels to spare tuners as taught by Potrebic, to improve the channel buffering and

display management system of Rodriguez for the predictable result of providing the user

the convenience automatically selecting and viewing channels versus having to

manually input which channels will be tuned by the tuner.

Regarding **claim 42**, Rodriguez discloses that "the content data from the first set

of channels is recorded" ([0131]-[0133], i.e. the first and second channels are buffered).

Regarding **claim 43**, Rodriguez discloses "a display unit for displaying the

content data from the first set of channels in a main screen of the display" ([0099],

[0131]-[0133], Fig. 4, i.e. tuned channels are displayed on the TV).

Regarding **claim 44**, Rodriguez discloses "altering a makeup of the first set of

channels and the second set of channels in response to a channel change request for

the main screen" ([0108]-[0118], [0121], [0131]-[0133], i.e. determination is made as to

whether or not the selected channel takes precedence and if it should de-allocate

resources from a previous channel and allocate it to the current channel).

   Claims 40-41, 46 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Rodriguez in view of Potrebic, and in further view of Marsh.

   Regarding **claim 40**, Rodriguez fails to explicitly disclose that "channels in the

preconfigured list of favorite channels are ordered based on prioritization data".

   Marsh discloses the prioritization of the favorite channel list ([0160], i.e. the

favorite channel list is ranked with the best favorite on top, then second best, and so

on). Thus, it would have been obvious to one of ordinary skill in the art to apply the

technique of prioritization of a favorite channel list as taught by Marsh, to improve the

channel buffering and display management system of Rodriguez for the predictable

result of enabling the user additionally sort and order their favorite channel list based on

a priority ranking.

   Regarding **claim 41**, Rodriguez discloses "a remote data entry device for

communicating the list of favorite channels and prioritization data" ([0078], [0136]-

[0137], [0157], Fig. 18, i.e. establishes favorite channels during configuration session

and prioritizes channels to buffer).

   Regarding **claim 46**, Rodriguez discloses "altering a makeup of the second set of

channels in response to a change in prioritization data" ([0108]-[0118], [0121], [0131]-

[0133], [0157], Figs. 12A-C, 18, i.e. determination is made as to whether or not the

selected channel takes precedence and if it should de-allocate resources from a

previous channel and allocate it to the current channel that may be decided by the

user).

Claim 45 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rodriguez in view of Potrebic and in further view of Ahn.

Regarding **claim 45**, Rodriguez fails to explicitly disclose that "the display unit is operable to display the content data from the first set of channels in a sub-screen of the display unit".

Ahn discloses that "the display unit is operable to display the content data from the first set of channels in a sub-screen of the display unit" (*Abstract*, [0026], i.e. Ahn discloses providing picture-in-picture using multiple tuners). Thus, it would have been obvious to one of ordinary skill in the art to apply the technique of providing picture-in-picture as taught by Ahn, to improve the channel buffering and display management system of Rodriguez for the predictable result of enabling the user to simultaneously watch and record two separate programs.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Q. Huerta whose telephone number is (571) 270-3582. The examiner can normally be reached on M-F(Alternate Fridays Off) 7:30-5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Beliveau can be reached on (571) 272-7343. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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published applications may be obtained from either Private PAIR or Public PAIR.

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

                                                              Alexander Q Huerta
                                                              Examiner
                                                              Art Unit 2427

May 5, 2009

/Scott Beliveau/
Supervisory Patent Examiner, Art Unit 2427